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Proposed Attorneys for Debtor
EAGLE CASTLE WINERY, LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:

EAGLE CASTLE WINERY, LLC

Debtor.

Case No. 12-55056
Chapter 11

DEBTOR'S EX PARTE
APPLICATION FOR CHANGE OF
VENUE TO THE CENTRAL
DISTRICT OF CALIFORNIA

COMES NOW EAGLE CASTLE WINERY, LLC (Debtor) with this Ex Parte Application for Change of Venue. This Ex Parte Application is based on 28 U.S.C. § 1408 and, Fed. R. Bank. P. 1014.

IN SUPPORT OF THIS APPLICATION, DEBTOR represents as follows:

1. Debtor filed this case under Chapter 11 on July 6, 2012. The petition was filed in the Northern District of California, San Jose Division, assigned Case No. 12-55056. The petition was filed to stop a foreclosure sale of the Debtor's real property set for 11:00 a.m. July 6, 2012. The debtor's address is 3090 Anderson Road, Paso Robles, California 93446. A copy of the filed petition is attached as Exhibit A to the Request for Judicial Notice, filed concurrently.

2. As stated on its petition, the Debtor's principal place of business and assets of the Debtor are located entirely in San Luis Obispo County, California, and consist of a 25-acre property containing 13 acres of grapevines, and a winery, tasting room and ballroom totaling 20,500 square feet. The debtor acquired the Property in 2001, and has improved and

1 operated the Property continuously since that time.

2 3. The United States District Court for the Central District of California extends to
3 and includes San Luis Obispo County, California, the county where the Debtor's principal place
4 of business and assets are located. The debtor desires to remain a debtor-in-possession of
5 its pending bankruptcy case, and seeks to transfer this case to the Central District of
6 California.

7 4. The Debtor requests that the court hear and consider this Motion on an expedited
8 ex parte basis due to the clear directive of the venue statute and to preserve court and judicial
9 resources.

10 LAW AND DISCUSSION

11 A. This Case Should be Transferred to the Central District of California

12 28 USC § 1408(1) provides that a case under Title 11 may be commenced in the
13 [federal] district court for the district in which the debtor's domicile, residence, principal place
14 of business or assets are located for the One-Hundred Eighty (180) day period immediately
15 proceeding the bankruptcy filing, *In re: Broady*, 247 B.R. 470 (8th Cir. BAP 2000).

16 Here, the Debtor's principal place of business and assets are located within the Central
17 District of California. Accordingly, since the debtor desires to remain a debtor-in-possession,
18 this case should be transferred to the Central District of California.

19 Respectfully Submitted:

20 EAGLE CASTLE WINERY, LLC

21
22 Dated: July 10, 2012

By: /s/ Steven J. Sibley

23 STEVEN J. SIBLEY

24 Proposed Attorneys for the Debtor.